

Minutes for Zoning Board of Adjustment May 22, 2008

Roll Call

Present for the hearing were Chairman Landers, Vice Chairman Donahue, Smith, Hoffman, and Aseltine. Michele Braun was present as Clerk. Public present included Larry Drown, Donald Doyon, Rhonda Doyon, Tom Clifford, Brad Denny, Jane Bryant, Bonnie Pemberton, William Lyon, Martha Mahan, Glenn Howland, Jason Law, and Becky Law.

Approval of Minutes

A motion to approve the minutes for the April 24, 2008 Hearing was made by Donahue and seconded by Smith. **The motion passed 5-0-0.**

The Hearing began at 7:05 pm.

Chairman Landers stated the following:

1. All meetings of the Board of Adjustment shall be open to the Public.
2. The Officers of the Board of Adjustment may administer oaths to the witnesses.
3. All witnesses will be "Interested Persons" to the appellant. "Interested Persons" are owners of property abutting that of the appellant.
4. All testimony by "Interested Persons" and materials shall be germane to any issue under appeal.
5. All Hearings shall be open to the public and the rules of evidence at such hearings shall be the same as set forth in Title 3§810.
 - a) Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in superior courts of this state shall be followed.
6. The Board of Adjustment shall render its decisions, which shall include "Findings of Facts".

Hearing 080522-1: Donald and Rhonda Doyon have requested Conditional Use approval under Section 605 to replace the non-conforming mobile home on their property at 204 VT Route 12 N with a larger mobile home.

Landers entered a letter from Hill as Exhibit A and a letter from Garland as Exhibit B.

Donahue moved to approve the request to expand a non-conforming use and to approve the request for variances in side yard and street setbacks; Smith seconded the motion.

The motion passed 5-0-0.

Hearing 080522-2: Thomas and Rita Clifford have requested Conditional Use approval under Section 605 to add an accessory dwelling unit with an attached garage to the barn behind their Bed & Breakfast.

Brad Denny spoke in support of the application. Mr. Donahue noted that an additional fee was required for the addition of the garage, and asked whether various porches and decks being discussed were part of the application. Mr. Clifford was asked to draw on the sketch all elements of the planned renovation for which approval was being requested, and he did so. The Board reviewed the amended drawing.

The Board discussed whether this apartment was an accessory dwelling unit to the Bed & Breakfast. They determined that it is not an accessory dwelling unit. The Cliffords currently maintain their primary residence (a single family dwelling unit) in the same building as the

B&B; they will now maintain their primary residence (still a single family dwelling unit) in an accessory building. Their living quarters in the B&B will be converted for the common use of the B&B. The Clifford's state license limits their B&B to two bedrooms. The Board concluded that this development proposal does not increase the number of bedrooms in their B&B, nor does it increase the number of dwelling units on the property.

Smith moved to approve the application as amended showing the addition of a garage, porch, and deck; Aseltine seconded the motion. **The motion passed 5-0-0.**

Hearing 080522-3: William and Ann Lyon have requested a Variance under Section 702 to construct a detached garage closer to the street line than the regulations allow.

Hoffman stated that he is an abutting landowner, and spoke in support of the proposal. Mr. Lyon stated that in preparing the site for the garage, he struck both groundwater and ledge.

Smith moved to grant the variance; Donahue seconded the motion. **The motion passed 4-0-1** (Hoffman abstained).

Hearing 080522-4: R.H. Associates have requested Conditional Use approval under Section 705 to renovate the old engine house in the railroad industrial area off of Wall Street for use as offices, warehouse, and limited retail.

Landers stated that his business is located on the property now owned by RH Associates. The Board asked Ms. Mahan to explain the nature of the business, and she stated that they are a contract sales business, supplying doors and hardware for institutional renovations. Hoffman asked Ms. Mahan to confirm that the warehouse was not intended to be hired out for storage, but used for storage of materials incidental to RH Associates' business; Ms. Mahan confirmed this.

Mr. Drown stated that he was concerned about potential effects of this development on his right-of-way for access to his property to the south of the RH Associates property, as well as potential stormwater runoff.

Mr. Drown requested that the Chair be removed from the hearing. Chairman Landers recused himself; Vice Chairman Donahue assumed the duties of Chairman.

Hoffman and Smith responded to Mr. Drown's concerns regarding his right-of-way by stating that rights-of-way are governed by deeds, the Board does not have authority over deeds, and the Board's actions do not affect the agreements represented in Mr. Drown's deed or Ms. Mahan's deed.

Aseltine moved to approve the renovation of the building and its use as described in the application; Hoffman seconded the motion. **The motion passed 4-0-1** (Landers abstained).

Smith moved to adjourn at approximately 8:45. **The motion passed 5-0-0.**

These minutes are subject to approval at the next regular meeting; however, they are substantially correct.